

JUN 07 2006

ROBERT W. STROZIER, P.L.L.C.

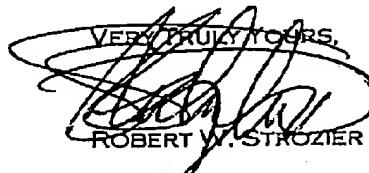
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FACSIMILE TRANSMITTAL

To: Ereminecl Smith
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PAGES: 20 INCLUDING THIS COVER SHEET.
DATE: 6/7/06

THIS FACSIMILE CONTAINS ATTORNEY-CLIENT COMMUNICATIONS. IF YOU ARE NOT THE DESIGNATED RECIPIENT, PLEASE CALL ME AND I WILL INSTRUCT YOU ON THE PROPER METHOD OF DESTROYING THE COMMUNICATION.

IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT ME.

Very truly yours,

ROBERT W. STROZIER

USSN: 091901782
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Res. NFOA.

From the desk of...

Sandy

Authorization to charge
deposit acct. on last page!

JUN 07 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Hardin, Susan, et. al.
 SERIAL NO.: 09/901,782
 FILED: 07/09/01

§ ART UNIT NO.: 1633
 § EXAMINER: SMITH, C.L.
 § DOCKET NO.: 00007/01UTL

TITLE: COMPOSITIONS FOR
 REAL-TIME SEQUENCE
 DETERMINATION

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571-273-8300	CERTIFICATE OF MAIL BY FACSIMILE TRANSMISSION		7 June 2006
FACSIMILE NO.			Date of Deposit
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EXAMINER CL SMITH		7 June 2006	Date of Signature
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Robert W. Strozier			

RESPONSE TO NOTICE OF 28 APRIL 2006 NON-FINAL OFFICE ACTION

Dear Examiner Smith:

This is a response to the 28 April 2006 Notice of Non-Final Office Action.

SUMMARY OF REJECTIONS

Claims 10, 13-18, and 50-55	102(e) - Korlach et al. (US 2006/0078937 A1)
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Preliminary Statement

Applicants have been following the Korlach et al prosecution for years and are quite surprised to learn that the provisional document contains absolutely no disclosure of non-persistent labeled nucleotides, nucleotides labeled on the beta, gamma or terminal phosphate. This fact was discovered when we recently gained access to the Korlach et al. provisional application. Moreover, nothing in the Korlach et al provisional or the upgrade application discloses the use of non-persistent labeled nucleotides in a FRET type process. Applicants are, therefore, antedating the Korlach et al. as it relates to any teaching regarding nucleotides bearing labels on the beta phosphate, gamma phosphate or terminal phosphate in single molecule nucleic acid sequencing.